The present application was filed under 35 USC §371 as a U.S. national stage application under the Patent Cooperation Treaty. As stated in §1893.03(d) of the MPEP:

> Examiners are reminded that unity of invention (not restriction) practice is applicable in international applications (both Chapter I and II) and in national stage applications submitted under 35 USC §371 . . .
>
> The principles of unity of invention are used to determine the types of claimed subject matter and the combinations of claims to different categories of invention that are permitted to be included in a single international or national stage patent application. The basic principle is that an application should relate to only one invention or, if there is more than one invention, that applicant would have a right to include in a single application only those inventions which are so linked as to form a single general inventive concept.
>
> A group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. The expression special technical features is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art . . .

The compounds represented by formulas A, Ai and Aii have a special technical feature in common, namely, all are phenanthridinium derivatives which are useful for the treatment of, e.g., cancer, due to their DNA binding properties. Moreover, R2, R3, R4 and R5 in formulas Ai and Aii either form an aromatic or heteroaromatic ring, or represent an aromatic substituent. Based on these common structural characteristics, section V of the International Preliminary Report on Patentability acknowledged that applicants' new family of compounds is patentably distinguishable from the prior art. In view of the above-noted common structural characteristic and common utility, the compounds represented by formulas A, Ai and Aii clearly constitute a single inventive concept, and have unity of invention.

Moreover, given the substantial structural and utilitarian features which the compounds of formulas A, Ai and Aii have in common, it appears that the examiner's search with respect to one of the putative, patentably distinct groups of compounds would of necessity cover art areas that overlap with the other allegedly distinct group of compounds. Thus, the concurrent examination of all of the compounds represented by formulas A, Ai and Aii in the present application should not materially affect the

examiner's workload. It is noted in this connection that separate classification is not cited as a basis for this restriction requirement.

The impropriety of the present restriction requirement is underscored by the fact that there was no lack of unity objection during the international stage of this application. Rather, the subject matter of all of the claims was treated as a single inventive concept. Accordingly, it should be evident that the compounds of formulas A, Ai and Aii satisfy the unity of invention standards of the PCT.

Inasmuch as the February 16, 2010 Official Action fails to comply with established U.S. Patent and Trademark Office unity of invention guidelines, as demonstrated above, it is respectfully submitted that this restriction requirement should be reconsidered and withdrawn, at least with respect to the compounds of formulas A, Ai and Aii..

In order to be fully responsive to the above-mentioned requirements, applicants provisionally elect for examination in this application the subject matter of Group I, i.e., claims 3 and, in part, 1, 2, 4-7, 10-16, 18-25, 28, 29, 32-39 and 42.

Claims 1-7, 10-16, 18-25, 28, 29, 32-39 and 42 are believed to be readable on the elected subject matter.

Applicants' election in response to the present restriction requirement is without prejudice to their right to file one or more divisional applications, as provided under 35 USC §121, on subject matter of any claims finally held to be withdrawn from consideration in this application.

Lastly, it is noted that a shortened statutory response period of one (1) month was set in the February 16, 2010 Official Action. The initial response period, therefore, expired March 16, 2010. A petition for a three (3) month extension of the response period is included with this Traversal and Request for Reconsideration of Requirement for Restriction, which is being filed before the expiration of the three (3) month extension period.

Early and favorable action on the merits of this application is respectfully requested.

Respectfully submitted,

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